

State of California

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Legislative Change No.**02-35**Bill Number: AB 2072Author: MountjoyChapter Number: 02-1113Laws Affecting Franchise Tax Board: Government Code Section 11126Date Filed with the Secretary of the State: September 29, 2002

SUBJECT: Open Meetings/Authorizes State Bodies To Hold Closed Sessions Regarding Security & Requires Written Notification To LAO

Assembly Bill 2072 (Mountjoy), as enacted on September 29, 2002, made the following changes to California law:

Section 11126 of the Government Code is amended, repealed, and added.

This act expands the specified circumstances for which a body may meet in closed session. A state body may discuss in closed session any threat or potential threat of criminal or terrorist activity against personnel, property, buildings, facilities, or equipment, including electronic data that are owned, leased, or controlled by a state body.

Additionally, where the disclosure of matters posing threats or potential threats could compromise or obstruct safety or security, a state body may consider those matters in closed session. Upon a two-thirds vote of the members present at any regular or special meeting, a state body may meet in closed session to discuss threats or potential threats. A state body must reconvene in open session prior to adjournment to report that a closed session was held to discuss threats or potential threats, the general nature of the matters considered, and whether action was taken in closed session. A written report containing the information reported in open session following the closed session proceedings is required to be submitted to the Legislative Analyst. The Legislative Analyst must retain such reports for four years.

The closed session provisions to discuss threats or potential threats are effective until January 1, 2006, and as of that date are repealed.

This act is effective January 1, 2003.

This act will not require any reports by the department to the Legislature.

Bureau Director

Roger Lackey

Date

October 24, 2002